IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO.141 OF 2004

Dhiraj Johar ..Appellant

V/s.

Shubhada Johar ..Respondent

Mr.Vaibhav Joglekar i/by Milan Bhise & Co. for the Appellant.

Ms.Amarjit Kaur for the Respondent.

Coram : H.L.Gokhale & R.S.Mohite,JJ

Date : 09.12.2004.

PC

1. Mr.Joglekar appearing for the appellant and Ms.Amarjit Kaur appearing for the respondent tendered the Consent terms signed by the appellant as well as by Ms.Priya Sindhwani sister of the respondent who is also her constituted attorney. A photo copy of the power of attorney enclosed to the Consent terms.

2. The Consent terms are taken on record and marked "X" for identification. As stated above, apart from the 2 parties, their Advocates have also signed the Consent terms. The parties are directed to act accordingly. The undertaking contained in the

Consent terms is accepted.

3. The marriage between the appellant and the respondent was dissolved by mutual consent under the order of the Family court dated 30.10.2003 in M.J.Petition No.A-519 of 1999. That order remains as it is and is not disturbed. As far as the various payments directed to be made to the respondent and the access to the son Sagar are concerned, the impugned order is modified under these Consent terms.

4. In so far as paragraph Nos.5 & 6 of the Consent terms, the parties have provided for the access to the child. As far as paragraph-5 is concerned, it provides for the access for a period of 2 years. As far as access during this period is concerned, the appellant-father will inform the respondent, 2 days in advance whenever he is going to come down to Mumbai to meet the child. As far as paragraph-6 is concerned, the parties have left upon the Court to pass an appropriate orders for the period subsequent to initial period of 2 years. We have noted the views expressed by both the Counsel and we direct that the appellant will have access for one week during the May vacation and one week during the Diwali vacation. During these periods, it will be open to him to come down to Mumbai and take the child with him and return by the end of this period

of one week. During this period it will be open to him to take the child anywhere with him though not outside India. As far as period after initial 2 years is concerned, the visiting rights will be available to the appellant in the following manner viz.:- he will have right to come down to Mumbai on every 2nd Saturday and take the child for access by 7.00 P.M.. He will return back the child on the next day by 7.00 P.M. This will be subject to mutual modification.

. The Appeal will stand disposed of in terms of these Consent terms.

. All concerned to act on an ordinary copy of this order duly authenticated by the Personal Secretary of this Court as a true copy.

(H.L.Gokhale,J)

(R.S.Mohite,J)